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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,999	12/18/2001	Daniel Hoo	659/792	3560

7590 12/29/2004

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/024,999

**Applicant(s)**

HOO ET AL.

**Examiner**

Laura Edwards

**Art Unit**

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18, 22, 25, 26, 28, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon et al (US 5,763,332).

Gordon et al teach an apparatus for treating or wetting a substrate comprising a source of the substrate (112), the substrate including a hydrophobic web substrate comprising a water-dispersible binder (see col. 6, lines 55+ to col. 7, lines 1-21 and col. 10, lines 6-57), a pair of press rolls (130, 134), and a solution applicator (not shown, see col. 20, lines 27-30) which delivers an aqueous wetting solution (see col. 11, lines 62-65 and col. 14, lines 1-2) to the web, the web passing between the rolls can absorb the solution resulting with at least a 25% add-on (see col. 21, lines 63-65).

With respect to claim 25, see small press rolls (138, 146) and larger press rolls (142, 150).

With respect to claims 29 and 30, see col. 19, lines 25-30.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (US 5,763,332) in view of Bolton et al (US 4,447,924) for reasons set forth in the office action dated 4/30/04.

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Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (US 5,763,332) in view of Bafford et al (US 5,089,296) for reasons set forth in the office action dated 4/30/04.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (US 5,763,332) for reasons set forth in the office action dated 4/30/04.

### *Response to Arguments*

Applicants' arguments filed 10/04/04 have been fully considered but they are not persuasive.

Applicants contend that Gordon et al do not teach the combination of a hydrophobic substrate comprising a water-dispersible binder because Gordon et al teach a web that can include regions that are hydrophilic and the primary binder used is a wet strength resin.

This argument is not deemed persuasive because Gordon et al recognize that the carrier or substrate (see col. 6, lines 42-51) used with the apparatus of Fig. 2 can have a hydrophobic exterior to which the emulsion or solution is applied (see col. 4, lines 65 to col. 5, lines 1-4) and the substrate can include starch as a water dispersible binder (see col. 10, lines 6 to 65).

Applicants contend that Gordon et al do not teach or suggest an aqueous wetting solution being applied to the substrate but an emulsion comprising an internal polar phase with water as the main constituent.

This argument is not deemed persuasive because regardless of the components used in the emulsion based composition, the emulsion still comprises water that can comprise up to 92

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percent of the emulsion composition that is used (see col. 13, lines 52-63). Regardless, Gordon et al provide an aqueous wetting solution that reads on Applicants' claimed invention.

Applicants contend that the apparatus of Gordon et al does not enable the web to absorb the solution with the add-on of at least twenty five percent. This argument is not deemed persuasive because the Gordon et al apparatus includes all structural limitations as recited by Applicants and therefore the apparatus is capable of absorbing the solution in the claimed percent range.

Applicants contend that neither Gordon et al nor supplemental references to Bolton et al or Bafford et al teach or suggest a hydrophobic web comprising a water dispersible binder such that all applied rejections should be withdrawn.

This argument is not deemed persuasive because Gordon et al do teach a hydrophobic web comprising a water dispersible binder for reasons mentioned above and therefore, all rejections remain.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

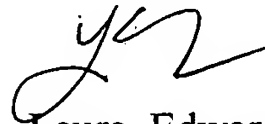
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura Edwards  
Primary Examiner  
Art Unit 1734

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December 27, 2004